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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,396	10/31/2007	Francesc Ayats	10292-616 (11375P6 US)	1397
27389 7590 03/28/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER BARRY, CHESTER T	
			ART UNIT	PAPER NUMBER
			1797	
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			03/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,396	Applicant(s) AYATS ET AL.	
	Examiner CHESTER T. BARRY	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/06, 10/11/06, 8/14/06, 7/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1797

Claims 1 – 12 are rejected under 35 USC Sec 103(a) as obvious over WO 02/18280 to RECKITT BENCKISER. RECKITT BENCKISER discloses water-softening products comprising a container which is permeable to water and to calcium ions but retains the modifying agent. The modifying agent is a substantially water-insoluble softening agent able to bind calcium ions. This document does not, however, disclose the articles being held with packaging having a moisture vapor transmission rate of less than $30\text{g/m}^2/\text{day}$. However, it is known to package detergent and water softening tablets in materials having such a vapor transmission rate, as shown by any one of WO 98/40464 to UNILEVER (page 2 line 6 to page 5 line 8), DE 19937428 to HENKEL (English abstract), US 2001/0009892 to BONSALL (page 4 paragraphs [0054] to [0061] and page 10 paragraph [0164] to page 11 paragraph [0176]) and US 2002/0004472 to HOLDERBAUM (paragraph [0356]). As such, it would have been obvious to have held the disclosed articles in packaging having the recited vapor transmission rate because it was known that such packaging would increase the shelf-life of the products shown in WO 02/18280. It is also noted that the exemplified packaging consists of polyethylene bags, which are extremely well known as being used in improving the shelf-life of products. Per claim 12, a sachet is a conventional container made from film, so selection of this type of container would have been obvious.

Objection is made to the specification for failure to clearly denote "Amberlite" and "Duolite" on page 9 as registered trademarks. Amendment to Amberlite® and Duolite® is suggested.

/Chester T. Barry/

Primary Examiner, Art Unit 1797

571-272-1152